



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



May 11, 2016

Richard J. Bruckner
Director

Santa Catalina Island Company
Attn: Jen Ansite
P.O. Box 150 Metropole Avenue
Avalon, CA 90704

**REGARDING: PROJECT NO. R2014-01278-(4)
COASTAL DEVELOPMENT PERMIT NO. 201400002
CONDITIONAL USE PERMIT NO. 201400055
TWO HARBORS (APN 7480-040-021)**

The Regional Planning Commission, by its action of **May 11, 2016**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **May 25, 2016**. **Appeals must be delivered in person.**

Appeals:

To file an appeal, please contact:
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Shaun Temple of the Zoning Permits West Section at (213) 974-6462, or by email at stemple@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Mi Kim, Supervising Regional Planner
Zoning Permits West Section

Enclosures: Findings, Conditions of Approval, Mitigation Monitoring and Reporting Program (MMRP), Affidavit of Acceptance (Permittee's Completion), Notice of Determination (1 original, 1 copy)
c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement

MKK:sct

CC.060412

**FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2014-01278-(4)
COASTAL DEVELOPMENT PERMIT NO. 201400002
CONDITIONAL USE PERMIT NO. 201400055**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing on May 11, 2016, in the matter of Project No. 2014-01278-(4), consisting of Coastal Development Permit No. 201400002 ("CDP") and Conditional Use Permit No. 201400055 ("CUP"). The CDP and CUP are referred to collectively as the "Project Permits."
2. The permittee, The Santa Catalina Island Company ("permittee"), requests the Project Permits for expansion of the alcohol service area of the Harbor Reef Restaurant, replacement of approximately 1,900 tons of sand at Two Harbors' main beach and placement of 6 beach cabanas at the main beach on a parcel with a Significant Ecological Area designation ("Project") located at 1 Banning Harbor Road in the unincorporated community of Two Harbors in the coastal area of Catalina Island ("Project Site").
3. The CUP authorizes the expansion of alcohol service area by the Harbor Reef Restaurant, the replacement of approximately 1,900 tons of sand at Two Harbors' main beach and the placement of 6 beach cabanas at the main beach on a parcel with a Significant Ecological Area designation within the Santa Catalina Island Resort Zone pursuant to County Code Sections 22.56.195 and 22.56.215.
4. The CDP authorizes the replacement of approximately 1,900 tons of sand at Two Harbors' main beach and the placement of 6 beach cabanas at the project site pursuant to County Code Sections 22.46.190 and 22.46.650.
5. The Project Site is 2.4 acres in size and is located within one legal lot that is 311.25 acres in size and contains the community of Two Harbors. The Project Site is irregular in shape with gentle sloping topography and is developed as a recreational beach area next to Two Harbors' only restaurant and general store.
6. The Project Site is located in the Santa Catalina Island Zoned District and is currently zoned Resort.
7. The Project Site is located within the View Corridor land use category of the Santa Catalina Island Local Coastal Plan Land Use Policy Map.
8. Surrounding Zoning within a 500-foot radius includes:
 - North: Pacific Ocean
 - South: Resort
 - East: Open Space/Conservation
 - West: Organized Camps and Special Facilities

9. Surrounding land uses within a 500-foot radius include:

North: Pacific Ocean
South: Open Space, Harbor, and Industrial/Transportation Pier at Wells Beach
East: USC Marine Science Center and Open Space
West: Open Space and Camp Grounds

10. The Local Coastal Plan (LCP) for the Santa Catalina Island was approved by the Board of Supervisors in March 1983 and was certified by the California Coastal Commission in November 1983. As part of the LCP, Two Harbors was zoned as Resort and the project area was given a land use designation of View Corridor.
11. The use of private vehicles is prohibited in Two Harbors and therefore no parking is required for this project.
12. The Department of Public Works, the Fire Department, The Department of Public Health, and the Sheriff's Department were consulted and all have cleared this project for public hearing. Public Works required that upon approval of the Project, the applicant submit grading plans to Public Works' Building and Safety Division. The Fire Department stated that there were no access or water system requirements for the project. Public Health required the restaurant to comply with all Public Health Requirements relating to the operation of a restaurant establishment with onsite alcohol consumption and food service outside the enclosed facility. In addition, the project is required to adhere to the requirements of the Los Angeles County Noise Control Ordinance, as contained in Chapter 12.08 of the Los Angeles County Code, Title 12.
13. The Sheriff's Department recommended the project for approval, but expressed a concern about not having enough deputies at Two Harbors to properly monitor the expanded service of alcohol, especially at larger events. Subsequently, the applicant met with the captain of the Avalon Sheriff's Station to discuss these concerns and established an operations plan to address the issues. The applicant agreed to provide hired security during peak times. In addition, during Buccaneer Day, the applicant has agreed to hire 25 private security guards and to pay LASD for an additional 12 deputies to police the event. Following the meeting, the applicant wrote out a Scope of Service. The Station Captain reviewed the proposal and was comfortable with the scope of service and security measures.
14. The subject property has the Fourth of July Cove Significant Ecological Area (SEA) designation, which is located over 500-feet to the north-west of the project site. The Department of Regional Planning's staff biologist and project planner conducted a site visit and presented the findings of that visit at the Significant Ecological Area Technical Advisory Committee (SEATAC) public meeting. SEATAC is an advisory committee to the Regional Planning Commission with expertise in biology in Los Angeles County. SEATAC reviews the projects within an SEA and evaluates the biological resources within the project site, taking into account the surrounding area.

The staff biologist noted to SEATAC that the project site is located entirely outside of the SEA, is on existing disturbed areas, and that the proposed project features were expected to mitigate impacts to ocean waters and natural near-shore and upland habitats. The mitigation measures include provisions to ensure that the new sand used in the beach replenishment is free of invasive plant material and that transport vehicles, including barges and loading/off-loading equipment are clean and free of weed seed; sand is not expected to migrate into the sea as it will be supported behind a sea wall beyond the reach of wave action; disposal of old sand material will occur at a light-industrial storage site outside of a natural or otherwise sensitive resource area. SEATAC found the project to be consistent with the SEA Compatibility Criteria with the following comments incorporated into the mitigation measures: 1) Require the presence of a biological monitor at the quarry site to ensure that quarried sand is taken from weed-free areas and that sand removal and replacement does not adversely affect sensitive species. 2) Cover trucks travelling between the project and disposal sites to reduce dust emissions en route. 3) Limit sand replacement activities to the October – February period in order to avoid potential adverse impacts to grunions. 4) Avoid any additional night lighting and include provisions for the reduction of trash on the site. A Mitigation Monitoring Program was drafted as part of the Mitigated Negative Determination of the Initial Study.

15. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
16. Staff has not received any comments from the public.
17. A duly noticed public hearing was held on May 11, 2016 before the Regional Planning Commission. Commissioners Louie, Shell, Modugno, Pedersen, and Smith were present. Staff presented the project and recommended a modification to condition 37 that would include clarifying language to limit special events of over 250 people (Buccaneer Days) to only one weekend per year. Commissioner Shell asked staff to verify that the sand replacement activity would only take place on the interior side of the seawall, which staff confirmed. The applicant presented testimony with a request to modify two of the conditions. He requested that condition 26 be modified to allow the sand replacement activity to occur outside of the October through February time frame. The applicant had hired a biologist who studied the beach and created a report stating that the work could be done behind the seawall without impacting the grunion. Commissioner Pedersen asked the staff biologist, who was present at the hearing, if he had read the report and concurred with the conclusion. The staff biologist stated that he had read the report and agreed it would be fine provided that a pre-construction survey would take place to ensure that grunion have not recently spawned within the work area. If the grunion had spawned, then work should be delayed until another survey was conducted that confirmed no further spawning. The applicant agreed to conduct the survey and abide by this condition. As this condition is also a mitigation measure, staff reported that the Commission had to make a finding that the modified mitigation measure is equivalent or more

effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment. Staff reported that by conducting the pre-construction survey and delaying work if grunion had recently spawned in the area that the modification has an equivalent effect. The Commission stated that they would make that finding, which is included as item 35 in this document. The Applicant also requested that condition 36 be further modified to allow the inclusion of two more special events of more than 250 people. One being the summer wine festival, which is a fundraiser for the Avalon Rotary Club and one being the Microbrew Festival, which is a fundraiser for the Lion's Club. Staff stated that they would be comfortable with this modification provided that the LASD was notified and there was an agreement with LASD to how much security and overtime Sheriff's deputies would need to be provided. Commissioner Mudugno asked if the condition could be modified to allow special events throughout the year through a director's review process. Staff stated the applicant and Regional Planning were in process of discussing a CUP application for a Master Plan for Two Harbors that would take into account special events and the facility upgrades, such as bathrooms and water supply, that would be needed to serve multiple large special events on an on-going basis. The Commissioners agreed to limit this permit to the stated three events. Commissioner Shell requested a condition that during the sand replacement activities that the ocean side of the seawall would be temporarily fenced to avoid impacts from workers. This was added as condition 27. There was no further testimony from the public. The Commission closed the public hearing and unanimously approved CDP No. 201400002 and CUP No. 201400055 with conditions.

18. The Commission finds that the project site is located within the View Corridor land use category of the Santa Catalina Local Coastal Plan (LCP). This designation is intended for athletic fields, beaches and associated active recreation uses, comfort stations including accessory shower and laundry facilities, parks, public places or squares and playgrounds with appurtenant facilities, piers, docks, riding and hiking trails, preserves, and sanctuaries. The proposed project is for improvements to the main beach at Two Harbors and associated active recreation uses, which are intended uses of the View Corridor land use designation. The beach cabanas are intended for recreational use by beach goers and are designed to have a beach island look that fits in with the Two Harbors community. At eight feet in height and 144 square feet in size, the cabanas are smaller in terms of height and scale than most the other buildings in the area. The Harbor Reef Restaurant was specifically documented in LCP as a use existing in the View Corridor. The expansion of its alcohol service area would not change the use, but would rather increase a service that it already provides to a larger area therefore improving service to visitors. The beach cabanas and alcohol service are recreational uses associated to the main beach and View Corridor and the project is therefore consistent with the permitted uses of the underlying land use category.
19. The Commission finds that the proposed project is located in the primary open public area of Two Harbors, the main beach, which is located in front of the community's only restaurant and general store and is consistent with the Santa Catalina Island

Specific Plan development standards. There are no parking requirements for this project as the use of private vehicles is prohibited in Two Harbors. The roads are unpaved and are used primarily by pedestrians with occasional slow speed authorized work vehicles used by the Island Company, the Island Conservancy, Edison, USC, and County Agencies. The proposed beach cabanas are 8 feet in height, which is below the maximum height of 14 feet for structures located within 300-feet of the mean high tide line. The proposed beach cabanas are made with wood and have a beach hut look that fits in with the island beach character of the area. The cabanas are removable shade structures that will not have a foundation thus avoiding the creation of impermeable paving surfaces. The cabanas are spread throughout the main beach so as not to create a barrier effect that would obstruct views within the View Protection area. Therefore, the project is consistent with Zoning Code.

20. The Commission finds that the project is for improvements to already existing uses that are permitted in the View Corridor and meet the development standards of the Catalina Specific Plan. Therefore, the proposed development is in conformity with the certified local coastal program.
21. The Commission finds that there is no public road near Two Harbors and that the proposed project is for improvements to already existing uses that do not change access ability of visitors to the area. Therefore, the project is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.
22. The Commission finds that while there is an SEA on the parcel, the parcel is large at 311.25 acres and the SEA is located more than 500-feet to the northwest of the project site. In addition, the project is conditioned to have a biological monitor present during the work to ensure biological resources are protected. Therefore, the requested development is designed to be compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas.
23. The Commission finds that the project is located on the interior of the seawall and does not have direct contact with the ocean. Therefore, the requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state.
24. The Commission finds that the project site is a beach, which is a sandy area with no natural vegetative cover. Therefore, the requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development.
25. The Commission finds that the project is a recreational beach open to public access and therefore fences and walls are not necessary. Therefore, existing fences and walls provided sufficient buffer to separate important habitat areas from development.

26. The Commission finds that there are no proposed changes to roads and utilities in the area. Therefore, roads and utilities serving the proposed development are located and designed so as to not conflict with critical resources, habitat areas or migratory paths.
27. The Commission finds that there is one sensitive use, a school, located within 600-foot radius of the project site. However, as an island resort area, the peak alcohol service times are during the weekends and summer, when school is out of session. Therefore, the requested expansion in service of alcohol at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.
28. The Commission finds that project site is located on the ocean side of the commercial structures away from the residential buildings. Therefore, the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
29. The Commission finds that the request is not for a new ABC license, but a request to expand the alcohol service area of an existing license. The restaurant has a license for the on-site sale of alcohol, while the neighboring general store has a license for the off-site sale of alcohol. The expansion of the alcohol service area is of public convenience or necessity because Two Harbors is specifically zoned as a Resort area and the service of alcohol is a visitor service and convenience provided at resort locations. Therefore, the Commission finds it a public convenience or necessity to authorize the expansion of the alcohol service area of a restaurant that is located within a 500-foot radius of another facility selling alcoholic beverages.
30. The Commission finds that the proposed expansion of the alcohol service area is located in an area designated for resort services and will most likely improve the local economy as this is one of the few commercial services in Two Harbors. Therefore, the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.
31. The Commission finds that the six beach cabanas that will receive alcohol service are made with wood and have a beach hut look that fits in with the beach island character of the area, which is in line with the design requirements of the Catalina Specific Plan. Therefore, the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.
32. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP for alcohol service in the expanded area to 15 years.

33. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of Avalon community. On April 5, 2016, a total of 3 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as 4 notices to those on the courtesy mailing list for the Santa Catalina Island Zoned District and to any additional interested parties.
34. The Commission finds that the permittee is subject to payment of the California Department of Fish and Wildlife fees related to the Project's effect on wildlife resources pursuant to section 711.4 of the California Fish and Game Code.
35. The Commission finds that requiring pre-construction surveys by a qualified biologist and prohibiting work if grunion spawning is observed within the work area until another pre-construction survey is conducted to confirm there is no further spawning is an equivalent measure as restricting sand replacement activities from October through February to avoid impacts to grunions as specified in mitigation measure 4.4 of the MMRP.
36. The Commission finds that the County prepared an MND in accordance with state and local CEQA reporting guidelines and that compliance with the MMRP will mitigate project impacts to less than significant. The Commission further finds that the MMRP's requirements are incorporated into the conditions of approval for this Project, and that approval of this Project is conditioned on the permittee's compliance with the attached conditions of approval and MMRP.
37. After consideration of the MND and MMRP, together with the comments received during the public review process, the Commission finds on the basis of the whole record before it that there is no substantial evidence that the Project as conditioned will have a significant effect on the environment, and further finds that the MND reflects the independent judgment and analysis of the Commission.
38. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION
CONCLUDES THAT:**

- A. The proposed use with the attached conditions will be consistent with the adopted Santa Catalina Island Local Coastal Plan.

Regarding the Coastal Development Permit:

- B. The proposed development is in conformity with the certified local coastal program.
- C. The project is in conformity with the public access and public recreation policies of Chapter 3 of Division 20 of the Public Resources Code.

Regarding the Significant Ecological Area Conditional Use Permit:

- D. The requested development is designed to be highly compatible with the biotic resources present, including the setting aside of appropriate and sufficient undisturbed areas.
- E. The requested development is designed to maintain water bodies, watercourses, and their tributaries in a natural state.
- F. The requested development retains sufficient natural vegetative cover and/or open spaces to buffer critical resource areas from said requested development.
- G. Where necessary, fences and walls are provided to buffer important habitat areas from development.
- H. Roads and utilities serving the proposed development are located and designed so as to not conflict with critical resources, habitat areas or migratory paths.

Regarding the ABC Conditional Use Permit

- I. The requested expansion in service of alcohol at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.
- J. The proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- K. It is a public convenience or necessity to authorize the expansion of the alcohol service area of a restaurant that is located within a 500 foot radius of another facility selling alcoholic beverages.
- L. The requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.
- M. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. Certifies that the MND for the Project was completed in compliance with CEQA and the State and County CEQA Guidelines related thereto; certifies that it independently reviewed and considered the MND and that the MND reflects the independent judgment and analysis of Commission as to the environmental consequences of the Project; certifies that it considered the MMRP, finding that it is adequately designed to ensure compliance with the mitigation measures during Project implementation; determined that on the basis of the whole record before the Commission that there is no substantial evidence that the Project will have a significant effect on the environment; adopts the MND and finds that the MMRP is adequately designed to ensure compliance with the mitigation measures during Project implementation; and
2. Approves RCDP201400002 and RCUP20140005, subject to the attached conditions.

ACTION DATE: May 11, 2016

VOTE: 5:0:0:0

Concurring: Louie, Smith, Modugno, Pedersen, Shell

Dissenting: 0

Abstaining: 0

Absent: 0

MKK:sct

May 11, 2016

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2014-01278-(4)
COASTAL DEVELOPMENT PERMIT NO. 20140002
CONDITIONAL USE PERMIT NO. 201400055**

PROJECT DESCRIPTION

The project is the expansion of the alcohol service area by the Harbor Reef Restaurant and for the replacement of sand at the main beach of Two Harbors and to place 6 beach cabanas at the main beach on a parcel with a Significant Ecological Area subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 14. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 9, and 13 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense,

including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on May 11, 2031.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken

on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of \$1,600.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for eight (8) biennial (one every other year) inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Within five (5) working days from the day after your appeal period ends, **May 30, 2016**, the permittee shall remit processing fees at the County Registrar-Recorder/County Clerk Office, payable to the County of Los Angeles, in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently \$2,285.25 (\$2,210.25 for a Negative Declaration or Mitigated Negative Declaration plus \$75.00 processing fee), or \$3,145.00 (\$3,070.00 for an Environmental Impact Report plus \$75.00 processing fee.) No land use project subject to this requirement is final, vested or operative until the fee is paid.
12. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring Program ("MMP"), which are incorporated by this reference as if set forth fully herein.
13. Within thirty (30) days of the date of final approval of the grant by the County, the permittee shall record a covenant and agreement, which attaches the Mitigation Monitoring Program ("MMP") and agrees to comply with the mitigation measures imposed by the Mitigated Negative Declaration for this project, in the office of the Recorder. Prior to recordation of the covenant, the permittee shall submit a draft copy of the covenant and agreement to Regional Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to Regional Planning for approval or as required. The reports shall describe the status of the permittee's compliance with the required mitigation measures.

14. The permittee shall deposit an initial sum of \$6,000.00 with Regional Planning within thirty (30) days of the date of final approval of this grant in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.
15. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
16. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
17. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
18. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
19. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
20. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

21. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public

hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by July 11, 2016.

22. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS – COASTAL DEVELOPMENT PERMIT

23. This grant authorizes the replacement of sand at the main beach and the placement of beach cabanas as depicted on the approved Exhibit "A".
24. A biological monitor shall be present at the quarry site where the replacement sand is extracted and at the project site during the sand replacement activities to ensure that quarried sand is taken from weed-free areas and that sand removal and replacement does not adversely affect sensitive species.
25. Trucks used for the transportation of the sand on Catalina Island shall be inspected by the biologist to ensure it is free of any contaminant plant species. Trucks travelling between the project and disposal sites shall be covered to reduce dust emissions.
26. Sand replenishment should be limited to the October – February period in order to avoid potential adverse impacts to grunion. If work cannot be limited to this time period, the project biologist shall conduct pre-construction surveys to ensure that grunion have not recently spawned within the work area. Pre-construction surveys shall be conducted by a qualified biologist with familiarity of grunion life cycle and breeding behavior during the forecast run period preceding scheduled construction. Grunion runs occur during the hours following nighttime high tides for 4 days following the full-moon and new-moon, from late February – early September. If no grunion are observed spawning within the work area, construction may proceed as scheduled. If grunion are observed spawning on site, construction activity shall be delayed until subsequent pre-construction surveys confirm no further spawning. Reports of pre-construction grunion surveys shall be provided to DRP to document compliance with the mitigation measure.
27. During the sand replacement activities, a temporary fence shall be placed along the seawall to create a barrier between the work area and the beach area on the ocean side of the seawall.
28. The beach cabanas shall be constructed as depicted on the approved Exhibit "A" and shall not have a permanent foundation.

PERMIT SPECIFIC CONDITIONS - SALE OF ALCOHOLIC BEVERAGES

29. This grant authorizes the expansion of the alcohol service area the Harbor Reef Restaurant to the outdoor alcohol service area as delineated in the approved Exhibit "A".
30. Physical barriers as shown on the approved Exhibit "A" shall be used to mark the designated outdoor alcohol service area. Signs stating "no alcohol beyond this point" shall be placed along each exit point through these physical barriers.
31. There shall be no consumption of alcoholic beverages outside the designated area. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
32. Food and alcohol service in the designated outdoor service area shall be from 10:00am to 10:00pm for the cabanas and chaise areas, and from 10:00am to 12:00am for the tables.
33. If the on-duty Sheriff's deputy for Two Harbors is required to take a patron to the Avalon Sheriff's Station for an alcohol related incident, then alcohol service in the designated outdoor service area shall be suspended until there is a deputy presence at Two Harbors again.
34. If the Sheriff (LASD) files a formal complaint for alcohol related incidents at this location, the service hours for the designated outdoor service area shall then be restricted from 10:00am to Sunset, until the LASD rescinds the complaint. Both the formal complaint and the rescission shall be submitted in writing to the Department of Regional Planning.
35. During the peak season, defined as July and August, the permittee shall provide security 24 hours a day, two guards on the day shift, two guards on the night shift, with one guard who will be on the graveyard shift. During the shoulder seasons, defined as May to June and September to October, there shall be one guard on all shifts. These guards shall be in addition to the security staff used in normal bar operations. During the off season, defined as November through April, the regular restaurant staff will assume this role.
36. Banquets and catering for groups up to 250 people shall be permitted in the outdoor alcohol service area. Local law enforcement shall be notified when there are events with groups of more than 50 people.
37. Events that exceed 250 people shall be limited to Buccaneer Days, a one weekend (Thursday through Sunday) event held in the fall, and two fund raiser events during the calendar year. The permittee shall notify the LASD of these events. For Buccaneer Days, the permittee shall hire a minimum of 25 private security guards

and pay LASD for a minimum of an additional 12 deputies to police the event. For the two fundraiser events, the permittee shall come to an agreement with the LASD on the amount of security and additional deputies required to police these events and submit that agreement in writing to the Department of Regional Planning prior to the event. For these events, the service of alcohol is permitted in the designated outdoor service area and the main plaza area as depicted on the approved Exhibit "A" from 10:00am to 1:00am. Following these events, the project site must be immediately cleaned and restored to a similar condition as it was before the event.

38. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent, all of whom have the authority to enforce the conditions of this permit. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
39. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
40. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.
41. All servers of alcoholic beverages must be at least 18 years of age.
42. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
43. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated February 18, 2015.
44. The permittee shall comply with all conditions set forth in the attached County Public Health Department letter dated January 23, 2015.

Attachments:

Mitigation Monitoring Program (1page)

Public Works Department letter dated February 18, 2015

Public Health Department letter dated January 23, 2015

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
PROJECT NO. R2012-01555-(3)/ CASE NO.RVAR 201200004/ RCUP 201200144/ RENV NO. 201200263

#	Environmental Factor	Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
4.1	Biological Resources	Require the presence of a biological monitor at the quarry site to ensure that quarried sand is taken from weed-free areas.	Monitoring summary letter signed by monitoring biologist is to be submitted to the Department of Regional Planning.	When sand is taken from the quarry site.	Applicant	Department of Regional Planning
4.2	Biological Resources	Require the presence of a biological monitor at the project site to ensure that sand removal and replacement does not adversely affect sensitive species.	Monitoring summary letter signed by monitoring biologist is to be submitted to the Department of Regional Planning.	During the removal and replacement of sand from the Two Harbors main beach.	Applicant	Department of Regional Planning
4.3	Biological Resources	Cover trucks hauling the beach sand travelling between the project and disposal sites to reduce dust emissions en route.	The applicant submits a signed letter that the trucks have been properly covered.	During the transporation of the beach sand from the project site to the disposal site.	Applicant	Department of Regional Planning
4.4	Biological Resources	Sand replenishment should be limited to the October – February period in order to avoid potential adverse impacts to grunion. If work cannot be limited to this time period, the project biologist shall conduct pre-construction surveys to ensure that grunion have not recently spawned within the work area. Pre-construction surveys shall be conducted by a qualified biologist with familiarity of grunion life cycle and breeding behavior during the forecast run period preceding scheduled construction. Grunion runs occur during the full-hours following nighttime high tides for 4 days following the full-moon and new-moon, from late February – early September. If no grunion are observed spawning within the work area, construction may proceed as scheduled. If grunion are observed spawning on site, construction activity shall be delayed until subsequent pre-construction surveys confirm no further spawning. Reports of pre-construction grunion surveys shall be provided to DRP to document compliance with the mitigation measure.	Applicant shall submit a work schedule of when activities will take place prior to commencing work.	Prior to commencing sand replacement work.	Applicant	Department of Regional Planning
5	Mitigation Compliance	As a means of ensuring compliance of above mitigation measures, the applicant and subsequent owner(s) are responsible for submitting compliance report to the Department of Regional Planning for review, and for replenishing the mitigation monitoring account, as necessary, until all mitigation measures have been implemented and completed.	Submittal and approval of compliance report and replenishing mitigation monitoring account	Yearly and as required until all measures are completed.	Applicant and subsequent owner(s)	Department of Regional Planning



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

February 18, 2015

IN REPLY PLEASE

REFER TO FILE: LD-2

TO: Mi Kim
Zoning Permits West Area
Department of Regional Planning

Attention Shaun Temple

FROM: Art Vander Vis
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201400055
COASTAL DEVELOPMENT PERMIT (CDP) NO. 201400002
PROJECT NO. R2014-01278
1 BANNING HOUSE ROAD
ASSESSOR'S MAP BOOK NO. 7480, PAGE 40, PARCEL NO. 21
UNINCORPORATED COUNTY AREA OF CATALINA ISLAND

☒ Public Works recommends approval of this site plan.

☐ Public Works does **NOT** recommend approval of this site plan.

The proposed project has a 2-tier permit application process:

1. CUP Application: To process the sand replenishment portion at the Main Beach. The applicant seeks to scrape a 12-inch layer of sand and replace it with 1,900 tons of new sand material from a quarry in San Juan Capistrano. The old sand will be brought to a disposal site located at Wells Beach on the back of the isthmus.
2. CDP Application: To process the replacement of the two main public bathrooms and shower buildings at Two Harbors and the sand replenishment portion at the Main Beach.

Upon approval of the CUP and CDP, we recommend the following conditions:

Building and Safety:

1. Submit applicable improvement plans (grading, building, and etc.) to Public Works' Building and Safety Division, Southwest District office, for review and approval.

For questions regarding the building and safety condition, please contact Clint Lee of Building and Safety Division at (626) 458-3154 or clee@dpw.lacounty.gov.

Drainage/Grading:

1. Per County Code Section 12.84.460, comply with Low-Impact Development (LID) standards in accordance with the LID Standards Manual, which can be found at <http://dpw.lacounty.gov/idd/web/>.
2. Prior to issuance of building permits, a drainage and grading plan must be approved by Public Works to:
 - a. Provide for the proper distribution of drainage including contributory drainage from adjoining properties.
 - b. Comply with the National Pollutant Discharge Elimination System, System-Wide Monitoring Program, and Water Quality requirements.

For questions regarding the drainage/grading conditions, please contact Toan Duong of Public Works' Land Development Division at (626) 458-4921 or tduong@dpw.lacounty.gov.

Water:

1. Prior to issuance of building permits, provide a Will Serve letter from the water purveyor indicating that the water system will be operated by the purveyor and that under normal conditions the system will meet all flow requirements.

For questions regarding the water condition, please contact Massoud Esfahani of Land Development Division at (626) 458-4921 or mesfahan@dpw.lacounty.gov.

Maria Masis
February 18, 2015
Page 3

If you have any other questions or require additional information, please contact Juan Sarda of Land Development Division at (626) 458-4921 or jsarda@dpw.lacounty.gov.

JS:tb

P:\dpub\SURPCHECK\Plan\CUP\CUP 201400055-APN 7480 040 021-7480 040-017\TCUP 201400055\2014-12-15 TCUP 201400055 SUB.docx



CYNTHIA A. HARDING, M.P.H.
Interim Director

JEFFREY D. GUNZENHAUSER, M.D., M.P.H.
Interim Health Officer

ANGELO J. BELLOMO, REHS, QEP
Director of Environmental Health

TERRI S. WILLIAMS, REHS
Assistant Director of Environmental Health

5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5100 • FAX (626) 813-3000

www.publichealth.lacounty.gov

BOARD OF SUPERVISORS

Hilda Soles
First District

Mark Ridley-Thomas
Second District

Shella Kuehl
Third District

Don Knabe
Fourth District

Michael D. Antonovich
Fifth District

January 23, 2015

TO: Shaun Temple
Principal Regional Planning Assistant
Department of Regional Planning

FROM: Michelle Tsiebos, REHS, DPA
Environmental Health Division
Department of Public Health

M.T.

**SUBJECT: CUP CONSULTATION
PROJECT NO. R2014-01278/ CUP201400055
Two Harbors
1 Banning House Road, Two Harbors, Catalina Island**

- ☒ Public Health recommends approval of this CUP.
☐ Public Health does NOT recommend approval of this CUP.

The Department of Public Health – Environmental Health Division has reviewed the CUP request for the above referenced project. The CUP is to replace the sand at the main beach, and to replace 2 existing bathroom buildings with the same exact building footprint. In addition, the liquor license will be expanded to include the main beach area to provide food and beverage service to beach guests. The Department recommends approval of the CUP contingent upon the following conditions.

Restaurant Establishment

The applicant shall comply with all Public Health requirements relating to the operation of a restaurant establishment with onsite alcohol consumption, and food service outside the enclosed facility. The applicant shall maintain a valid Public Health operating permit.

Potable Water Supply and Sewage Disposal

The project shall remain connected to public water and public sewer (treatment plant).

Noise

The project shall adhere to the requirements of the Los Angeles County Noise Control Ordinance, as contained in Chapter 12.08 of the Los Angeles County Code, Title 12.

For any questions regarding this report, please feel free to contact me at (626) 430-5382 or at mtsiebos@ph.lacounty.gov.